IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4661 OF 2007

Ace Glass Containers Limited ..Petitioner

V/s.

Bhimrao Sadashiv Patil & ors ..Respondents

Mr.D.J.Bhanage, advocate, for petitioner
Mr.S.R.Nargolkar, advocate, for the respondents

CORAM : SMT.NISHITA MHATRE, J.

DATE : 18TH SEPTEMBER, 2007

P.C.

1. The petition challenges the order of the Labour Court condoning the delay in filing a complaint and the order of the Industrial Court in the Revision Application, dismissing the application filed by the petitioner. Admittedly, there is a delay of two years and two months in filing the complaint by the respondents. The Labour Court has held that good and sufficient reasons were advanced by the complainant to the effect that negotiations were in progress and therefore, he had delayed the filing of the complaint. The Labour Court has therefore, allowed

the application for condoning the delay. The Revisional Court has concurred with the findings of the Labour Court. In my view, once the two Courts below have found that there are sufficient and good reasons for condoning the delay, it would not be proper to set aside these discretionary orders. There is no perversity in the orders of both the Courts below requiring interference of this Court.

2. In the case of **N. Balkrishnan Versus M. Krishnamurthy, reported in(1998) 7 Supreme Court Cases 123** while considering Section 5 of the Limitation Act, 1963 the Supreme Court has held that once the trial Court accepts the explanation advanced in an application for condoning the delay as sufficient, it is as a result of positive exercise of discretion and the superior court should not disturb such a finding. It is only when the exercise of this discretion is on wholly untenable grounds or arbitrary or perverse that the superior court should interfere. I have already observed that the findings of the Labour Court cannot be termed as arbitrary or perverse requiring

interference under the writ jurisdiction of this Court. Petition rejected.

(**SMT.NISHITA MHATRE, J.**)